

EXHIBIT 2

Pursuant to Local Rule 5.3(A), exhibits attached hereto have been redacted to protect the personal privacy of individuals, including dates of birth and social security numbers.

DISTRICT OF MASSACHUSETTS

U.S. DISTRICT COURT

C.A. NO.: 04-11964-NG

* * * * *
CHARLES ROBINSON,
Plaintiff
vs.
TELESECTOR RESOURCES GROUP, INC.
d/b/a VERIZON SERVICES GROUP,
Defendant
* * * * *

DEPOSITION OF HENRY PILAT, a witness called on behalf
of the Plaintiff, before Marissa L. Malley, Professional Court
Reporter and Notary Public in and for the Commonwealth of
Massachusetts, at the Law Offices of Fragomeni & Carey, 15 Broad
Street, Boston, Massachusetts, on Tuesday, May 17, 2005,
commencing at 2:50 p.m.

DUNN & GOUDREAU COURT REPORTING SERVICE, INC.
One State Street
Boston, Massachusetts 02109
Telephone (617) 742-6900

1 Q. And by whom are you employed?

2 A. Verizon.

3 Q. How long have you been with Verizon?

4 A. Since 1979, August.

5 Q. What is your position there?

6 A. I am a manager.

7 Q. Okay. How long have you been a manager?

8 A. Probably since '86.

9 Q. And where is your location?

10 A. 125 High Street.

11 Q. And how long have you been at 125 High Street?

12 A. Two years.

13 Q. Okay. Where were you before?

14 A. 125 High Street, Oliver Tower.

15 Q. Okay. What is your date of birth?

16 A. 56.

17 Q. Can I ask you who made the decision to terminate Mr.
18 Robinson?

19 A. It wasn't a termination. We were going through a
20 reduction in force.

21 Q. Was Mr. Robinson hired in that process or fired?

22 A. There were 11 positions, we had 12 candidates. Mr.
23 Robinson was not selected for one of the positions.

24 Q. So, your termination -- your terminology is that he

1 was not hired?

2 MR. MCLAFFERTY: Objection to the form.

3 A. No.

4 Q. You tell me. Tell me; was he terminated or failed to
5 be hired?

6 MR. MCLAFFERTY: Objection to the form.

7 A. Neither. It was -- he was not selected to have one of
8 the positions that we had available.

9 Q. Okay. So, for the purposes of the rest of this
10 deposition, which would you prefer? That he was
11 terminated or not hired?

12 MR. MCLAFFERTY: Objection to the form. You can
13 answer.

14 A. Either one. It's not --

15 Q. All right. I'll use terminated, okay? Who made the
16 decision to terminate Mr. Robinson?

17 A. It was a decision that both Claudia D'Amato and myself
18 made.

19 Q. Where was that decision made?

20 A. At Bowdoin Square.

21 Q. And when was it made?

22 A. I don't recall the exact date.

23 Q. Give me a time frame.

24 A. I believe it was July 2001.

1 Q. Beginning of July or the end of July?

2 A. The beginning.

3 Q. So, the first week of July, you made the decision with
4 Claudia D'Amato?

5 MR. MCLAFFERTY: Objection.

6 A. To the best of my knowledge.

7 Q. Why did you make that decision?

8 A. Comparatively, to the other candidates that we had on
9 the list, Mr. Robinson did not meet the criteria.

10 Q. How did you compare Mr. Robinson to the other 11
11 people?

12 A. What we did is, we -- according to the RIF guidelines,
13 we utilized a process of personal knowledge, as well
14 as resumes.

15 Q. What documents support your decision to terminate Mr.
16 Robinson?

17 MR. MCLAFFERTY: Objection to the form. You can
18 answer.

19 A. Again, we didn't terminate him, but -- can you repeat
20 the question? I'm sorry.

21 Q. What documents support your decision to terminate Mr.
22 Robinson?

23 A. The resume and the personal knowledge.

24 Q. Okay. Are there any other documents that you used?

1 A. No.

2 Q. Okay. Which resume are you referring to? The resume
3 that's on file at Verizon, or the resume that Mr.
4 Robinson submitted during the process?

5 A. It was the resume that Mr. Robinson submitted.

6 Q. Okay. Did you, at any time, review Mr. Robinson's
7 personnel file, which is produced by your counsel?
8 And I've measured it and I'll tell you, it's an inch
9 and a quarter thick.

10 MR. MCLAFFERTY: I'll just object to the
11 characterization that you can --

12 MR. FRAGOMENI: Measure it. Measure it, if you
13 want.

14 A. I don't have a measurer.

15 Q. Have you -- did you review anything in Mr. Robinson's
16 personnel file, while making the decision to
17 terminate?

18 A. I would have to look at it, but I did not review his
19 personnel file, no.

20 Q. Okay. So, the documents that your counsel has
21 produced to us that's an inch and a quarter thick, had
22 no bearing on whether or not you hired or fired Mr.
23 Robinson?

24 A. That is correct.

1 a team leader?

2 A. I was never asked.

3 Q. Would you have?

4 A. I think it would depend upon the position.

5 Q. What position did you think Mr. Robinson would be
6 qualified for?

7 A. Certainly in engineering, in a staff function.

8 Q. Anything else?

9 A. No.

10 Q. Did you hire Mr. Robinson for the position of team
11 leader?

12 A. Yes, I did.

13 Q. When did you do that?

14 A. April or May of 2000.

15 Q. And did you -- what documents did you use to rely upon
16 to hire Mr. Robinson, at that time?

17 A. At that time, he produced a resume and I believe that
18 was the only document that was used.

19 Q. What else did you rely upon to hire Mr. Robinson?

20 A. The interview.

21 Q. Okay. What about the interview that caused you to
22 believe that he was qualified for the position of team
23 leader?

24 A. Well, during the course of the interview, Mr. Robinson

1 convinced me that he had the skills necessary to
2 perform the job of the team lead. When I reviewed his
3 resume, I saw that he had a lot of staff experience
4 and didn't really have any team lead experience. I
5 expressed a concern, but he advised me that he had had
6 a crew at one point, early in his career, and that he
7 could handle the position.

8 Q. Again, did you review the inch and a quarter file of
9 Mr. Robinson when you hired him --

10 MR. MCLAFFERTY: Objection to the form.

11 Q. -- which has been marked as Exhibit 1?

12 A. No, I did not. That wasn't available to me.

13 Q. Okay. Had you asked for it?

14 A. No, I did not.

15 Q. Now, you knew Mr. Robinson had had, at that time,
16 about 28 years with Verizon; 29 years?

17 A. I knew he had the length of service. I wasn't sure of
18 how much.

19 Q. And you knew that he had -- his background was in
20 engineering?

21 A. Yes, I did.

22 Q. And you hired him and you reviewed him six months
23 later?

24 A. Yes, I did.

1 people?

2 MR. MCLAFFERTY: Objection to the form.

3 A. No, we did not.

4 Q. Well, you used them in your mind, rather than taking
5 them and looking at them. But you knew that you gave
6 them good appraisals?

7 A. We used personal knowledge, yes.

8 Q. And the personal knowledge is referenced and
9 documented by your appraisals?

10 A. They would have to be.

11 Q. Correct. Now, what changed between March 2001 and
12 July of 2001, that caused you not to hire Mr. Robinson
13 or fire Mr. Robinson?

14 MR. MCLAFFERTY: Objection to the form.

15 A. And again, comparatively speaking, when Mr. Robinson
16 was placed against all the other candidates, he just
17 did not match up.

18 Q. Was this appraisal in March of 2001, the poorest
19 appraisal of the 12?

20 A. I can't say that.

21 Q. Do you know, one way or another, whether this falls
22 somewhere in the middle?

23 A. I can't say that.

24 Q. How would you know?

1 A. I only had certain members of the team reporting to
2 me.

3 Q. Who were they?

4 A. I had Jean Freeman, Patrick Podolske, Susan Rober,
5 Brenda Joy, Lisa Smith, Luigi Leone.

6 Q. And who had the others?

7 A. The others were Claudia's.

8 Q. How many --

9 A. D'Amato.

10 Q. -- did Claudia have?

11 A. Claudia had five.

12 Q. So, Mr. Robinson was not reporting to Claudia?

13 A. That's correct.

14 Q. So, he was reporting to you?

15 A. That is correct.

16 Q. And yet, she made a decision to terminate him?

17 MR. MCLAFFERTY: Objection.

18 A. She did not make a decision to terminate him. We
19 jointly came to the decision.

20 Q. Okay. Now, of the people that you supervised; Jean
21 Freeman, Patrick Podolske, Susan Rober, Brenda Joy,
22 Lisa -- I'm sorry, what is Lisa's last name?

23 A. Smith.

24 Q. Smith, and Luigi Leone, --

1 jump in with your answer.

2 Q. Can you compare Mr. Robinson to Jean Freeman for me?

3 MR. MCLAFFERTY: Objection.

4 A. In what respect?

5 Q. In terms of the job. In terms of, you know, why you
6 didn't fire Jean Freeman as opposed to Mr. Robinson.

7 A. Jean Freeman had excellent system skills. She had
8 good product knowledge; she had a knowledge of the
9 retail market as well as wholesale. She had a
10 wonderful attitude. She managed her people well; she
11 would show, coach, develop them.

12 Q. And you're saying Mr. Robinson did none of those
13 things?

14 A. I'm saying that compared to Jean, he did not.

15 Q. Okay. How old was Jean Freeman in 2001?

16 A. I don't recall. Thirty-something.

17 Q. Well, did you provide the MCAD with a list of the ages
18 of these people; dates of birth?

19 A. At one point, yes, I did.

20 Q. Okay. And so, you know how old she was at the time?

21 MR. MCLAFFERTY: Objection.

22 A. Not at the time --

23 Q. Well, you know now, don't you?

24 MR. MCLAFFERTY: Objection.

- 1 A. Again, the reason I know now is because there was --
- 2 Q. And what is her -- how old was she?
- 3 A. I don't know. I don't have the ages in front of me.
- 4 Q. All right. So, what you provided to the MCAD is
- 5 accurate?
- 6 A. I could -- if I could see it, I could go back --
- 7 Q. Sure.
- 8 A. -- against HR records and verify it.
- 9 Q. Okay. How about Patrick Podolske? Can you compare
- 10 Mr. Robinson with Patrick Podolske?
- 11 A. Again, Patrick had excellent system knowledge. He had
- 12 skills required, he could work in multi-disciplines,
- 13 he developed his people, he was a good team lead.
- 14 Q. Contrast with Mr. Robinson?
- 15 A. Again, comparatively speaking, Patrick did a better
- 16 job as a team leader.
- 17 Q. Okay. How about Susan Rober? Same question.
- 18 A. Susan had, again, product knowledge, a wonderful
- 19 attitude. She took on additional responsibility, she
- 20 guided her folks, she developed them.
- 21 Q. As opposed to Mr. Robinson?
- 22 A. Compared to Mr. Robinson, she did a better job.
- 23 Q. Same question for Brenda Joy.
- 24 A. Again, Brenda had system knowledge. She came to us

1 with skills, she more or less ran the absence group,
2 she had product knowledge, good attitude.

3 Q. Are you saying Mr. Robinson had a bad attitude?

4 A. I'm not saying he had a bad attitude. I'm saying that
5 he, at times, could be negative.

6 Q. In what way?

7 A. There had been instances where, at team meetings, he
8 was more or less -- would kind of -- and I don't
9 remember specific instances. But what would happen
10 is, he would -- any time someone had a suggestion, he
11 was just very negative; it won't work, can't be done.
12 There was one particular instance when I was having a
13 feature in front of the office, and I believe it had
14 to do with the impending strike, and the team leads
15 were behind me. Mr. Robinson was making comments to
16 one of the other team leads, kind of downplaying the
17 importance of the message that I was trying to
18 deliver.

19 Q. Did you find that you were competing with Mr. Robinson
20 in some form?

21 A. Not that I'm aware of.

22 Q. You didn't feel threatened by him?

23 A. No, not at all.

24 Q. Now, the same question. I'm sorry that we got

1 diverted. Lisa Smith; compare Mr. Robinson to Lisa
2 Smith.

3 A. Lisa, again, had worked in wholesale prior to, had
4 good product knowledge, had also worked as a
5 specialist in retail, was very familiar with the
6 products. Again, developed her team, was concerned
7 about getting the job done and doing it correctly.

8 Q. Same question for Luigi Leone.

9 A. Luigi, again, exhibited system strength, knowledge of
10 the business, developed his people.

11 Q. Now, on each of the -- now, have I exhausted the
12 people that had reported to you?

13 A. How many do you have? Do you mind -- I'm sorry.

14 Q. Jean Freeman, Patrick Podolske, Susan Rober, Brenda
15 Joy, Lisa Smith, and Luigi Leone.

16 A. Yes.

17 Q. Okay. It seems that at each time that I asked you
18 that question, the first thing that you mentioned is
19 system knowledge.

20 A. Yes.

21 Q. That the system knowledge of these people was superior
22 to Mr. Robinson?

23 A. Yes.

24 Q. And what did you do to train these people to get that

1 system knowledge?

2 A. I didn't.

3 Q. Who trained them to get the system knowledge?

4 A. I don't know who it was that trained them, but they
5 acquired it and they had it.

6 Q. Do you have any idea how they got it?

7 A. It would be conjecture. The only thing I could
8 suppose is some of them had been service reps in the
9 past, they were taught it. If they weren't a service
10 rep recently, there was also the opportunity for them
11 to have training because we constantly had new people
12 coming into the group. They could sit in on the
13 training.

14 Q. Did you ever offer Mr. Robinson that training?

15 A. Yes.

16 Q. When?

17 A. I expressed that there were new classes going on; at
18 any point, he could go in and sit in with them.

19 Q. And what did he say?

20 A. He said that he would.

21 Q. Okay. Do you know when those classes were being held
22 and where?

23 A. The classes were -- I can't -- I don't recall actual
24 dates. The classes were held at 6 Bowdoin Square,

1 right in our office.

2 Q. During the day or at night?

3 A. During the day.

4 Q. Okay. And they were part of your -- you'd get paid
5 during the day to go to these classes?

6 A. That is correct.

7 Q. Okay. And you're saying he refused to go?

8 A. I'm not saying he refused to go. He did not take the
9 opportunity.

10 Q. Okay. When you hired Mr. Robinson, did you know that
11 he didn't have the training for the -- is it the SOP?
12 Is that correct?

13 A. That's one of the systems, yes.

14 Q. Okay. Did you know that he didn't have the training
15 to do that?

16 A. He had knowledge of SOP.

17 Q. Okay. And you knew that?

18 A. Yes.

19 Q. You knew that compared to the other 11, Mr. Robinson
20 had an engineering background and may needed more
21 training in the SOP?

22 MR. MCLAFFERTY: Objection.

23 A. I'm not saying that. What I'm saying is that Mr.
24 Robinson had an engineering background. He dealt or

1 interfaced -- that interfaced with the SOP system, so
2 he certainly had knowledge of it.

3 Q. But you knew it was not as extensive as the other 11 -
4 -

5 MR. MCLAFFERTY: Objection.

6 Q. -- people that were in the department?

7 MR. MCLAFFERTY: I'm sorry. Objection.

8 A. I couldn't tell whether or not it was extensive or not
9 extensive. Part of the job of the team lead was to be
10 able to maneuver within the SOP system.

11 Q. Did you do anything to ensure that he had that
12 training, in order to succeed in the department?

13 A. Again, I advised Mr. Robinson that the opportunities
14 were there for the new classes, as they were coming
15 out. I encouraged him to participate in that. I also
16 encouraged him to either sit with his own team
17 members, the other managers at the location, and/or
18 sit with his own associates.

19 Q. Okay. So, getting back to my original question; what
20 changed between March of 2001 and July of 2001, that
21 caused you to fire or terminate Mr. Robinson?

22 MR. MCLAFFERTY: Objection.

23 A. Again, I did not fire Mr. Robinson. It was a
24 reduction in force.

1 How many times have you been involved in a reduction
2 in force?

3 A. One.

4 Q. How many times have you been responsible for choosing
5 someone, as a result of a directive for reduction in
6 force?

7 A. One.

8 Q. And is -- we're talking about this instance here,
9 where Mr. Robinson was let go?

10 A. Yes.

11 Q. Okay. Now, did you refer to what will be marked as
12 exhibit 6, when you formulated your opinion in July to
13 let go, fire, terminate, not hire, or reduce Mr.
14 Robinson in force?

15 MR. MCLAFFERTY: Objection to the question -- to
16 the form. You can answer.

17 A. I used this as a guideline, yes.

18 Q. Okay. And you're sufficiently familiar with it today,
19 to discuss it?

20 MR. MCLAFFERTY: Objection.

21 A. I have to say no. I have not seen it since --

22 Q. Okay. Did you review it -- I'm sorry. Did you review
23 it while you were actually doing the reduction in
24 force?

1 court reporter can hear you.

2 THE WITNESS: Oh, I'm sorry.

3 A. I believe we had some impact, or I had some impact, in
4 Step 7.

5 Q. Can you tell us what that step is?

6 A. Oh, I'm sorry. I wouldn't have had anything to do
7 with that. That would've been the business partner,
8 unless my director did. "Review business case with
9 legal -- administration team -- " I believe I came in
10 in Step 9.

11 Q. What is Step 9?

12 A. Task number 9, I should say. "Develop and implement
13 the appropriate communication strategy, mandatory for
14 the staffing exercises."

15 Q. Did you -- I'm sorry, did you finish?

16 A. Yes. I had a piece of that.

17 Q. Okay. Was there anything in writing, reflecting what
18 you did?

19 A. I believe we sent out a communication; a Lotus Note.

20 Q. Where is that?

21 A. I don't have it. I think it was sent out by Claudia.

22 Q. Do you know where it is?

23 A. I don't.

24 Q. Do you know if it was produced in documents to us?

- 1 A. I don't.
- 2 Q. How many pages was it?
- 3 A. It was just a one page document that said that we were
- 4 going through a RIF process. That we needed to, you
- 5 know, get your resumes together.
- 6 Q. This was --
- 7 A. And I believe there were some timelines associated
- 8 with that, as well.
- 9 Q. This was a communicate (sic) to the 12 people?
- 10 A. Yes.
- 11 Q. Okay. And it was done by e-mail, or was it done by
- 12 fax?
- 13 A. It was done by e-mail.
- 14 Q. By e-mail. Okay. And you're saying, you have no
- 15 record of that e-mail?
- 16 A. I do not.
- 17 Q. Okay. Anybody in your department that would have that
- 18 e-mail?
- 19 A. Unless HR has it, I'm not sure.
- 20 Q. But you authored it?
- 21 A. Claudia authored it, I believe. Claudia and I.
- 22 Q. How much money, by the way, was Claudia making at that
- 23 time?
- 24 A. I have no idea.

1 Q. Okay.

2 A. I don't know.

3 Q. Okay. Why don't we just -- that's 7, right?

4 THE COURT REPORTER: That's number 7.

5 (Exhibit No. 7, Verizon RIF Form B, marked
6 for identification.)

7 Q. Why don't we go through the document that I think
8 you'll recognize. If you can tell us what that is?

9 A. This is a document that lists; the date of birth, the
10 last name, first name of -- one, two, three, four,
11 five, six, seven, eight, nine, ten, eleven, twelve --
12 all twelve team leads.

13 Q. Okay. When was that document prepared?

14 A. I don't really remember. I think this was in response
15 to the EEO complaint.

16 Q. Did you draft that?

17 A. I believe I did.

18 MR. FRAGOMENI: Okay. Did you -- why don't we
19 mark that as exhibit 8.

20 (Exhibit No. 8, Document Containing Team
21 Leads Information, marked for identification.)

22 Q. Mr. Pilat, where did you get the information used to
23 compile Exhibit 8?

24 A. The HR records.

1 Q. Okay. And HR records are found in your office or in
2 the HR department?

3 A. No, I'm sorry. It wasn't HR records. I believe it
4 was a 1477, which is like an attendance document. And
5 on that it carries, like, last name -- preliminary
6 information. Just basic information with regard to
7 the name, social security number, date of birth.

8 Q. Where is that found?

9 A. Ellie Hawkins, who used to be our E.A. or executive
10 assistant, would keep those on hand.

11 Q. Okay. And why would she keep those on hand?

12 A. They were for attendance purposes.

13 Q. And on the -- those are attendance records that you
14 keep?

15 A. Yes.

16 Q. Are they check-off sheets?

17 A. No. They were used as tracking for vacations,
18 holidays. She used them for payroll purposes.

19 Q. Okay. And specifically, on those attendance records,
20 are dates of birth?

21 A. I believe so.

22 Q. Okay. Did you know, by the way, Mr. Robinson's 27
23 years, or 30 years, of attendance at Verizon?

24 A. No, I did not.

1 age.

2 Q. Okay. Who asked Mr. Robinson to retire; did you?

3 MR. MCLAFFERTY: Objection.

4 A. I never asked Mr. Robinson to retire.

5 Q. Did anyone, as far as you know, ask Mr. Robinson to
6 retire?

7 A. Not that I'm aware of.

8 Q. Did anyone say to Mr. Robinson, you are retirement
9 eligible? It's time for you to retire? Something to
10 that effect?

11 A. No.

12 Q. Did you know that Mr. Robinson, at the time that you
13 terminated him, laid him off, fired him, not hired
14 him; that he was eligible to retire?

15 A. Yes, I did.

16 Q. Okay. And you didn't mention that? That didn't come
17 up in a conversation with him at any time?

18 A. No, it did not.

19 Q. Okay. Did you hire anyone to perform Mr. Robinson's
20 duties after he left?

21 A. No, I did not.

22 Q. Did you hire any contractors since the year 2001, to
23 perform any duties that Mr. Robinson performed before
24 he left?

1 A. No, I did not.

2 Q. Who performed his duties as a result of his leaving?

3 A. They were absorbed by the remainder of the team.

4 Q. Okay. So, all of his work was parceled out among 12 -
5 - 11 other people?

6 A. That is correct.

7 Q. Okay. And did you give or ask Mr. Robinson to
8 acquire, or to do more work, or to, you know -- give a
9 new assignment to Mr. Robinson some time in June of
10 2001?

11 A. Can you be more specific on that?

12 Q. Did you ask him to take on additional responsibilities
13 in 2001?

14 A. Yes. There was a Lotus Note that referred to that.

15 Q. Okay. And why did you ask him to take on additional
16 responsibilities?

17 A. We were getting rid of our contractor.

18 Q. Who was the contractor that you were getting rid of?

19 A. Janice Miller.

20 Q. You were going to terminate her contract? It was a
21 written contract that -- in other words, she was a
22 1099 employee?

23 A. Yes.

24 Q. And so, her duties would then be assigned to Mr.

1 Robinson?

2 A. Not only to Mr. Robinson, but parceled out to
3 everyone.

4 Q. To all of the rest of the 11 people?

5 A. Correct.

6 Q. Okay. And this was in June of 2001?

7 A. Yes.

8 Q. Okay. And a month later, you decided that you wanted
9 to get rid of Mr. Robinson; correct?

10 MR. MCLAFFERTY: Objection.

11 A. That's not correct.

12 Q. Let me see. You said in July of 2001, you made the
13 decision to terminate Mr. Robinson.

14 A. No. There was a reduction in force --

15 Q. Okay.

16 A. -- and Mr. Robinson was not selected to be retained.

17 Q. Wow. All right. Is this a table in front of us, sir?

18 MR. MCLAFFERTY: Objection.

19 Q. Is this a conference table?

20 MR. MCLAFFERTY: Objection. Don't answer that.

21 Q. What do you call this at Verizon?

22 MR. MCLAFFERTY: Frank --

23 Q. What do you call this table? What do you call this
24 piece of furniture at Verizon?

1 MR. MCLAFFERTY: Frank, the witness has answered
2 the question. Tables aren't relevant to the question.
3 Would you please ask another question?

4 MR. FRAGOMENI: It's robotic, if you ask me.

5 Q. Mr. Pilat, in the year 2001, July, someone formulated
6 the opinion -- you, Claudia D'Amato -- that Mr.
7 Robinson would not be selected for a position;
8 correct?

9 MR. MCLAFFERTY: Objection.

10 A. That's correct.

11 Q. All right. Now we're on the same page. Now, in June
12 of 2001, you're asking Mr. Robinson to assume more
13 duty; correct?

14 A. I am asking Mr. Robinson to contribute more, yes.

15 Q. Okay. Not contribute more; you're asking him to do
16 more work?

17 A. To contribute more to the team, yes.

18 Q. And you've asked everybody else to do that?

19 A. Everybody else was taking up a piece of it as well.

20 Q. Okay. All right. What changed between June of 2001
21 and July of 2001, to cause you not to hire Mr.
22 Robinson?

23 MR. MCLAFFERTY: Objection.

24 A. We had 11 positions, there were 12 candidates. Mr.

1 Robinson did not -- was not selected. He did not
2 measure up to the other 11.

3 Q. Okay. And yet you, in June, were giving him the same
4 responsibilities that you were giving the other 11?
5 Additional responsibilities?

6 A. Correct.

7 Q. And he was competent to do those then in June, but not
8 in July?

9 MR. MCLAFFERTY: Objection.

10 A. Again, in July, we were going through a reduction in
11 force.

12 Q. When did you first know there was going to be a
13 reduction in force?

14 A. I believe it was in July, when everybody else was made
15 aware of it.

16 Q. Did you know prior to July of 2001?

17 A. There had been rumors that the other business
18 organizations were going through it.

19 Q. You had an idea that your department was going to be
20 affected; correct?

21 A. No. I did --

22 Q. Did you ask anybody?

23 A. We were constantly asking.

24 Q. When did you first ask about a reduction in force in

1 Q. Okay. That were surrounding a conference table,
2 seated in chairs?

3 MR. MCLAFFERTY: Don't answer it. Frank, if you
4 have a question to ask, ask the question.

5 Q. And you're asking whether or not there's a RIF that's
6 going to be assigned to your department?

7 A. Yes.

8 Q. Okay. And what was the answer given?

9 A. Not at that time.

10 Q. Okay. So, you're asking this question during the
11 first quarter. How about the second quarter? The
12 second quarter comes along sometime between March and,
13 I assume, June? May?

14 A. Yes. June was the second quarter.

15 Q. June. And what was the answer?

16 A. To the best of my knowledge, what I recall, no.

17 Q. Okay. So, you thought up until June that your
18 department was not going to be affected by a RIF?

19 A. That is correct.

20 Q. And some point between June and July -- middle of
21 July, beginning of July -- you discovered that there
22 was going to be a RIF?

23 A. We were notified that we were going through a
24 reduction, yes.

1 Q. And that notification came in what form?

2 A. That came in a call to Claudia and I, from Pat
3 Stevens.

4 Q. And Pat called you sometime between June of 2001 and
5 July of 2001?

6 A. Correct.

7 Q. Okay. Have you ever been charged with an ethics
8 violation at Verizon?

9 A. No.

10 Q. Have you ever had any investigation of your activities
11 at Verizon, by anyone internally at Verizon?

12 A. Yes.

13 Q. And when did that occur?

14 A. I believe that was recently.

15 Q. And what date?

16 A. 2003, perhaps.

17 Q. What was the subject matter?

18 A. It was Charles Robinson's case; the EEO, I believe.

19 Q. EEO is what?

20 A. Equal Employment Opportunity.

21 Q. Okay. And what was the result of that investigation -
22 - internal investigation at Verizon?

23 A. I don't know.

24 Q. Were you involved in any other ethics violation by any

1 documents, sir, and those are produced by your
2 counsel. I'll represent to you that they're resumes
3 that they presented to the MCAD, and also in response
4 to our request for documents, I believe. Do you
5 recognize those documents?

6 A. Yes.

7 Q. Can you tell us what they are? Identify what they
8 are?

9 A. I believe they are resumes.

10 Q. Are those the resumes of each of the 11, plus Charles
11 Robinson, that you reviewed in your determination as
12 to whether or not any of those people would be
13 retained, fired, terminated, laid off, etcetera,
14 etcetera?

15 MR. MCLAFFERTY: Objection to the form. But you
16 can answer.

17 A. I believe they are the same documents.

18 Q. Okay. And you said, maybe an hour or two ago -- about
19 an hour ago I guess, that those documents, in addition
20 to -- (Strike that.) Those documents and nothing else
21 -- and your personal knowledge --

22 A. That is --

23 Q. -- were used in the determination as to who was going
24 to be retained, fired, hired, laid off?

1 A. That is correct.

2 MR. FRAGOMENI: Okay. Why don't we mark that
3 packet as --

4 (Exhibit No. 11, Packet of Resumes, marked
5 for identification.)

6 Q. There's one piece that's not -- I'm going to ask you
7 to look at that while that's being marked. Do you
8 recognize that e-mail?

9 A. It is from Luigi Leone.

10 Q. Okay. And what's the subject matter of that?

11 A. Resumes.

12 Q. And does he ask you, specifically, whether he wants a
13 -- whether you want a formal resume or whether you
14 want an in-house resume? Is that something -- maybe
15 I'm paraphrasing it incorrectly, but what does it say?

16 A. It says, "When do you need the hard copy? If it
17 doesn't need to be in a formal resume format, see the
18 copy below. If you need formal resume, let me know.
19 I have a Word file at work. Below is my on-line
20 resume."

21 Q. Okay. What did you do in response to that?

22 A. I believe I told him the on-line resume would be fine.

23 Q. Okay. And did you tell him orally or did you tell him
24 by another e-mail?

1 A. I don't remember.

2 Q. Okay. But you have a memory of at least telling him
3 that the on-line is fine?

4 A. Yes.

5 MR. FRAGOMENI: Okay. Let's mark that.

6 (Exhibit No. 12, E-mail from Luigi Leone to
7 Henry Pilat, July 9, 2001, marked for
8 identification.)

9 MR. MCLAFFERTY: Just note for the record; that
10 doesn't appear to be the complete Leone document.

11 Q. Correct. There seems to be more -- something missing,
12 but for purposes of this document, sir, what's the
13 date on the top of it?

14 A. July 9th.

15 Q. Okay. So, as of July 9th, you're still compiling
16 resumes?

17 A. I believe so.

18 Q. Okay. Did Mr. Robinson's ethic violation play any
19 role in you not hiring, or your firing, terminating,
20 laying off, letting go, of Mr. Robinson?

21 A. I'm sorry, his --

22 Q. Well, he had an ethics case; correct? Opened by Ms.
23 Rober?

24 A. Yes, he did.

1 Q. And did that play any role in your decision regarding
2 Mr. Robinson, in the year 2001?

3 A. Not directly, no.

4 Q. Indirectly?

5 A. It may have been in the back of my mind, yes.

6 Q. How far back?

7 A. Enough back that it was there, but I did not verbalize
8 it with anyone.

9 Q. You didn't repeat it to anyone and it wasn't the
10 subject matter of your conversation with Ms. D'Amato?

11 A. That's correct.

12 Q. Did she know about it?

13 A. Not to my knowledge.

14 Q. Okay. So, it was never brought up and it was never
15 part of your decision making?

16 MR. MCLAFFERTY: Objection.

17 A. That's correct.

18 Q. All right. Let me just mark -- have you seen that
19 three page document?

20 A. No, I didn't.

21 MR. MCLAFFERTY: Is that number 12, Frank?

22 MR. FRAGOMENI: Thirteen.

23 Q. Have you seen this before?

24 A. No.

1 Q. You've never seen this?

2 A. No.

3 MR. FRAGOMENI: For the record, it's a document
4 that was produced by your counsel, entitled General
5 Case, and it's three pages. Just mark that as exhibit
6 13.

7 (Exhibit No. 13, Document - General Case,
8 marked for identification.)

9 Q. What was the thing that was the foremost in your mind,
10 that was -- besides the resume; that was a document --
11 but you said, your personal knowledge of Mr. Robinson.
12 What was the thing that was foremost in your mind, the
13 furthest in the front of your mind, as to what you
14 would use for your decision making of Mr. Robinson or
15 not?

16 A. Can you clarify that?

17 Q. I'll try to rephrase that. You said in the back of
18 your mind was the ethics investigation; way, way back.
19 And what was the thing that was the most forward in
20 your mind, using your personal knowledge about Mr.
21 Robinson, that played a role in your decision making
22 as to whether you wanted to hire him, fire him,
23 terminate him, lay him off, let him go?

24 A. The requirements of the job, which were the system

1 skills, the attitude.

2 Q. System skills, attitude. So, are we -- I want to go
3 from the front of your mind to the back of your mind.
4 System skills is in the front?

5 A. System skills.

6 Q. What's going on behind that?

7 A. Product knowledge.

8 Q. Product knowledge.

9 A. Development of the work force.

10 Q. The third is development of the work force. What's
11 the fourth?

12 A. I tried to use those three as the main guiding
13 principles throughout all.

14 Q. Okay. Take the first one. Now, the system --

15 A. System knowledge.

16 Q. Is that a computer speak?

17 A. It's several different things, yes.

18 Q. Is it a computer program?

19 MR. MCLAFFERTY: Objection. You can answer the
20 question.

21 A. System knowledge refers to -- it's not really a
22 computer -- it is a computer program I would assume,
23 yeah. It's a computer program that we would interact
24 with on various levels. We had DICAS, we had LSRM, we

1 A. When I first came to wholesale? I would say in '89.

2 Q. So, from 1989 to the year 2001, you had a constant
3 knowledge gaining objective of the system that we now
4 refer to as "the system," I guess.

5 MR. MCLAFFERTY: Objection.

6 A. There are several.

7 Q. Okay. Clarify it for me.

8 A. There are several systems within that. Depending upon
9 the job function that I had, depended upon the system
10 that I needed to know.

11 Q. Now, what was the system that you believe Mr. Robinson
12 was deficient in?

13 A. He had deficiencies in the SOP ordering systems, which
14 included --

15 Q. How long did it take you -- I'm sorry.

16 A. Okay. Which included New York, New England SOPs, the
17 MISOS systems, SOAC.

18 Q. Okay. How long did it take you to acquire that
19 knowledge; that you believe you had a sufficient
20 knowledge of the SOPs?

21 A. I had worked in the SOPs in various other
22 organizations. The SOPs are the same.

23 Q. Okay. Mr. Robinson had not, and you knew that when
24 you hired him?

1 A. But, Mr. Robinson also had SOP knowledge because he
2 was in engineering, which that department interfaced
3 with the SOPs.

4 Q. All right. Give me a time frame that you learned --
5 to be able to say that you had sufficient knowledge of
6 SOPs. A year, two years, months, weeks, days?

7 A. It's really hard to say. The SOPs are -- when I went
8 through initial training as a service rep; maybe two
9 weeks, three weeks.

10 Q. And so, after two weeks you felt -- or three weeks,
11 you felt that you had sufficient knowledge of the SOPs
12 to be able to say that you had good working knowledge
13 of it?

14 A. For the job title that I had at the time, yes.

15 Q. Okay. Could you teach it? Could you tell somebody
16 else how to use it?

17 A. I probably could.

18 Q. Why didn't you teach Robinson how to do it?

19 MR. MCLAFFERTY: Objection.

20 A. Why didn't I teach Charlie how to --

21 Q. Yes.

22 A. -- do SOP?

23 Q. Yes.

24 A. Because I was running an office.

1 Q. Well, why didn't you take him aside and teach him how
2 to do it, if it took you three weeks to do it? Why
3 didn't you teach him how to do it?

4 MR. MCLAFFERTY: Objection.

5 A. Again --

6 Q. If you felt he was deficient, why didn't you teach
7 him?

8 A. I gave him opportunities to learn the SOPs.

9 Q. Why didn't you teach him?

10 MR. MCLAFFERTY: Objection.

11 A. I did not teach him because I had an office to run.

12 Q. How many hours a week did you work?

13 A. Off and on, I'd probably say 60.

14 Q. And do you share an office or do you have your own
15 office?

16 A. I had my own office.

17 Q. And did you take an hour for lunch each day?

18 A. Usually, no.

19 Q. What was your hours of operation? What time did you
20 get in, what time did you leave?

21 A. I was probably in by 7:30, 8 o'clock. And I was there
22 until 6 or 7 at night.

23 Q. And all of those hours were consumed in running your
24 office?

- 1 Q. Was it between March of 2001 and July of 2001?
- 2 A. I don't recall.
- 3 Q. You just don't know?
- 4 A. I don't recall.
- 5 Q. Do you know where it was when you told him?
- 6 A. I don't recall.
- 7 Q. Do you know whether you were in a room, whether you
- 8 were outside, whether you were in a bar?
- 9 A. I don't recall.
- 10 Q. Okay. Do you know who else was present?
- 11 A. I don't recall.
- 12 Q. Do you know how many times you told him?
- 13 A. No, I do not.
- 14 Q. And then the next item that's next in your mind was --
- 15 if you could refresh my memory, what was that?
- 16 A. Attitude.
- 17 Q. Attitude. What about his attitude, that you found put
- 18 him at risk for termination, firing, failure to be
- 19 rehired, laid off, let go?
- 20 A. I found Mr. Robinson to have, at times, a very
- 21 negative attitude.
- 22 Q. Did anybody else in the department have a negative
- 23 attitude? Everybody came in cheery and happy every
- 24 day?

1 MR. MCLAFFERTY: Objection.

2 A. Compared to the other 12 -- to the other 11, Mr.
3 Robinson had a questionable attitude.

4 Q. Was Mr. Robinson grumpy every day?

5 A. No, I'm not saying that.

6 Q. Okay. So, compared to the other 11, Mr. Robinson was
7 the most negative?

8 A. That is correct.

9 Q. And how did he express that negativity?

10 A. Comments, actions.

11 Q. Well, tell me specifically what the comments were.

12 A. Again, it was more procedural. He was always
13 negative, stating that, you know, this process would
14 not work, this is broken, no one would agree to it.

15 Q. He said that every day?

16 MR. MCLAFFERTY: Objection.

17 A. I'm not saying he said that every day.

18 Q. When did he say those things?

19 A. They were verbalized in the team meetings.

20 Q. How often were you have -- did you have team meetings?

21 A. We had team meetings once a week.

22 Q. And every week, Mr. Robinson would show up and be
23 negative about everything that you mentioned --

24 MR. MCLAFFERTY: Objection.

1 Q. -- or anyone else mentioned?

2 A. Again, it was not all the time. More often than not.

3 Q. Okay. And so, did you ever tell Mr. Robinson, jeez,
4 you have a negative attitude?

5 A. I think the entire team would tell Mr. Robinson that
6 he had a negative attitude.

7 Q. They actually told him, you have a negative attitude?

8 A. I can't recall specifically.

9 Q. Did you hear anybody say that to him?

10 A. I can't recall specifics.

11 Q. I'm not asking for specifics. Just generally, did you
12 hear anybody say it to him?

13 A. (Witness nodding).

14 Q. Is that a no?

15 A. That's a no.

16 Q. Did you ever say that to him?

17 A. I did remember saying, Charlie, your attitude.

18 Q. Your attitude? You've got a great attitude or you
19 have a bad attitude? What did you say?

20 A. Your attitude.

21 Q. Your attitude. And what does that mean to you?

22 A. That he had a negative attitude.

23 Q. You didn't say negative attitude. You said, your
24 attitude; correct?

1 A. To the best of my recollection, yes.

2 Q. And he knew, or you think he knew, what you meant by
3 that?

4 A. To the best of my recollection --

5 Q. And what was his response?

6 A. He really wouldn't have one.

7 Q. Say that again.

8 A. He wouldn't have one.

9 Q. What do you mean, he wouldn't have one? What was his
10 response?

11 A. I don't recall. He would grunt, perhaps.

12 Q. Can you make the sound for me?

13 MR. MCLAFFERTY: Objection.

14 A. Hmm.

15 Q. Okay. And did you take that to be a yes, or a no, or
16 I'm agreeing with you, not agreeing with you?

17 A. Well, neither.

18 Q. Okay.

19 A. I believe he just dismissed it.

20 Q. And what did you say in response to that?

21 A. Nothing.

22 Q. How often would you say, attitude, to him?

23 A. I recall saying it once.

24 Q. And where was it that you said that?

1 Robinson, attitude? Why would you say that to him?

2 A. Again, I don't remember specifically.

3 Q. Okay. So, now we're got -- that's the second reason
4 that's foremost in your mind. And the third one --
5 refresh my memory as to what's behind that in your
6 mind.

7 A. It's people development and management.

8 Q. All right. And that, I guess in layman's terms, is
9 relationship to your employees?

10 A. Development of your employees.

11 Q. Okay. And what about that was a problem with Mr.
12 Robinson?

13 A. Well, Mr. Robinson -- because of his lack of system
14 knowledge and because of the fact that, you know, he
15 did not put forth the effort to learn, could not
16 respond to questions from his -- from the field.

17 Q. Okay. So, it's somehow related to -- number one and
18 number three are somehow related? The systems versus
19 his ability to translate that knowledge into effective
20 communication with his employees?

21 A. That is correct.

22 Q. Okay. Now, agree with me or disagree with me, but
23 older employees, or employees who have had more time
24 at Verizon, have less knowledge of computers; is that

1 correct?

2 MR. MCLAFFERTY: Objection.

3 A. I don't understand that question at all.

4 Q. Well, in general, you'd agree with me or disagree with
5 me. Is it true that older employees, or employees who
6 have had greater service at Verizon, are less familiar
7 with either the computer itself, or the systems, or
8 the software, related to Verizon programs?

9 MR. MCLAFFERTY: Objection.

10 A. I would have to disagree with you.

11 Q. All right. And why?

12 A. Because I consider myself to be an older person with a
13 serious length of time at the company --

14 Q. Okay.

15 A. -- and if anything, the corporation demands that you
16 keep up with the systems.

17 Q. How old are you now?

18 A. Forty-eight.

19 Q. And how old were you in -- let's do the math -- how
20 old were you in 2001?

21 A. Forty-six (sic).

22 Q. Okay. And at that time, how long had you been
23 employed by Verizon?

24 A. Twenty-one years.

1 Q. And Mr. Robinson had, at that time, 30 years?

2 A. Maybe. I don't know.

3 Q. You don't know that?

4 A. I don't know what his actual service date was.

5 Q. Did it matter to you?

6 A. No, not really.

7 Q. Okay. And at the time that you let him go, didn't
8 hire him, you terminated him, he was how old?

9 A. I'm not sure. Maybe 48?

10 Q. If he's in his 50's, would I -- would that be
11 something that surprised you?

12 A. Not really.

13 Q. Okay. Who's still present in your department?

14 A. I think I need you to clarify that because I kind of
15 moved on jobs, so can you --

16 Q. You're not in the same department that you were in
17 2001?

18 A. Different work function.

19 Q. All right. Who of the 11 people that were retained,
20 hired, not fired, in 2001, are still at Verizon?

21 A. Patrick Podolske, Brenda Joy, Roy Peterson, Lisa
22 Smith, Susan Rober, Luigi Leone, Matt Blais, Adam
23 Aliberti.

24 Q. All in the same positions?

1 A. No.

2 Q. Demoted, promoted, retreated?

3 A. Neither. They found -- some found other positions
4 within the organization.

5 Q. Did you assist them in the finding of positions within
6 the organization?

7 A. No.

8 Q. Did anybody ask you for a reference?

9 A. Yes.

10 Q. Who?

11 A. I'm sorry. Not a reference, but a -- if they could
12 use me as a reference.

13 Q. I see. And who was that?

14 A. Patrick did.

15 Q. And did you give him a reference?

16 A. Yes, I did.

17 Q. Okay. And what was the reference? Was it a good one,
18 a bad one, a --

19 A. It was a good one.

20 Q. Good one. Was it in writing?

21 A. No. It was a telephone conversation.

22 Q. To someone within Verizon, that he should hire this
23 guy?

24 A. What had happened was, Patrick had applied for a

1 Q. Mr. Pilat, you made a mention of the fact that you
2 told Mr. Robinson about the training program. Did Mr.
3 Robinson ever ask for training?

4 A. Yes.

5 Q. And what was your response?

6 A. That -- attend one of the initial training sessions,
7 and/or shadow one of your peers, or sit with one of
8 your associates.

9 Q. Did he take the time to job shadow?

10 A. I believe he did. He told me he did.

11 Q. And did you see him do it?

12 A. No.

13 Q. But you have some knowledge that he did job shadow?

14 A. Only from what he told me.

15 Q. Okay. Yet, your documents and your affidavit say that
16 he didn't.

17 MR. MCLAFFERTY: Objection to the form.

18 Q. He did not job shadow. Now, today you think that he
19 did?

20 A. I -- again, I don't know whether he did or did not. I
21 believe he told me he did.

22 Q. And do you have any information that says he didn't?

23 A. Other than the fact that his skills did not reflect
24 it.

1 marked for identification.)

2 Q. When did you transfer all of his work to the other
3 employees; transfer Mr. Robinson's work to the other
4 employees?

5 A. Once he was notified that he was not selected as a
6 team --

7 Q. When was that? Dates?

8 A. August of 2001.

9 Q. You're saying he was notified in August that he wasn't
10 going to be retained?

11 MR. MCLAFFERTY: Objection.

12 A. That's when I transferred his responsibilities.

13 Q. When was he officially notified? When was Mr.
14 Robinson officially notified?

15 A. I believe it was the end of July, beginning of August.

16 Q. Do you say, anywhere in your affidavit, that the
17 additional duties that had been performed by another
18 contractor that you were letting go, was going to be
19 parceled out to the rest of the 11?

20 A. I don't know. Wait a second. No, it is not mentioned
21 anywhere in here.

22 Q. When did you know, or when did this idea that you
23 parceled it out to the rest of the 11, come into your
24 -- into the -- into your thought process?

1 A. Parceled what out? Mr. Robinson's responsibilities?

2 Q. No. The contractor's responsibilities.

3 A. I'm not following you.

4 Q. Where are the e-mails to the rest of the 11 people,
5 telling them that they're going to assume the
6 contractor's responsibilities, as well as Mr.
7 Robinson's?

8 MR. MCLAFFERTY: Objection to the form. You can
9 answer.

10 Q. Did you e-mail everybody, asking them to do that?

11 A. No, I did not.

12 Q. Okay. You only e-mailed Mr. Robinson?

13 MR. MCLAFFERTY: Objection to the form.

14 A. I only e-mailed Mr. Robinson because he e-mailed me
15 initially.

16 Q. So, the rest of the 11 people; you walked to their
17 cubicles and said, by the way, here's some extra work?

18 MR. MCLAFFERTY: Objection to that form.

19 A. Again, no. What had happened was, I believe we had a
20 team meeting, at which point it was discussed what was
21 going to happen.

22 Q. Okay. Isn't it a fact that Mr. Robinson was the only
23 one that you weren't giving additional duties to?

24 MR. MCLAFFERTY: Objection.

1 A. No, it's not.

2 Q. And isn't it a fact that you were going to take away
3 some of his reports?

4 MR. MCLAFFERTY: Objection.

5 A. No, that is not true.

6 Q. What's the purpose of a RIF?

7 MR. MCLAFFERTY: Objection to the form.

8 Q. Reduction in force; what is the purpose of it?

9 A. I couldn't really tell you the business purpose for
10 it. I don't know. It's to reduce the force.

11 Q. Correct. And does that mean that -- reduce costs?

12 MR. MCLAFFERTY: Objection.

13 A. It could possibly be.

14 Q. Well, is it a purpose of getting rid of someone, or is
15 it the purpose of reducing the force because of the
16 costs?

17 MR. MCLAFFERTY: Objection to the form.

18 A. Again, I have no first hand knowledge of what a RIF
19 actually entails. As far as whether or not it's the
20 business reasoning behind it, I'm not privy to that.

21 Q. Well, you did a RIF; correct? You did that RIF that
22 involved Mr. Robinson?

23 A. Yes, I did.

24 Q. All right. And you read the RIF booklet that they

1 gave you, that said that a reduction in force is
2 necessary because we have to cut costs; correct?

3 MR. MCLAFFERTY: Objection.

4 A. I was notified that we were going through a RIF, and I
5 had to go down from 12 team leads to one.

6 Q. Twelve teams leads to eleven?

7 A. To eleven, I'm sorry. Correct.

8 Q. And what was the purpose of that? To get rid of one,
9 just to get rid of someone? Or was it because you
10 needed to reduce costs?

11 MR. MCLAFFERTY: Objection.

12 A. Again, I was told that these were my directives. I
13 needed to go down by one body.

14 Q. Why?

15 A. Because we were having a reduction in force.

16 Q. Why? Why?

17 MR. MCLAFFERTY: Objection.

18 A. Again, it's because -- whether or not it was a
19 business reason. I'm sure my district could answer
20 that, but --

21 Q. Are you telling me, Mr. Pilat, that you don't know why
22 your department was reduced from 12 to 11 --

23 A. I can --

24 Q. -- in the year 2001? You have no idea?

1 MR. MCLAFFERTY: Objection to the form. You can
2 answer.

3 A. Again, I was given a directive that I had to eliminate
4 one position.

5 Q. Why; you didn't ask why?

6 A. It was a reduction in force.

7 Q. Why?

8 MR. MCLAFFERTY: Objection.

9 A. Again, I was following my orders.

10 Q. Why would someone tell you that you needed to reduce
11 your department from 12 to 11? Why?

12 MR. MCLAFFERTY: Objection.

13 A. I don't know.

14 Q. You never asked anybody, why am I losing an employee?

15 A. Because we were having a reduction in force.

16 Q. Why?

17 MR. MCLAFFERTY: Objection.

18 A. We were having a reduction.

19 Q. Why?

20 MR. MCLAFFERTY: Objection. Mr. Fragomeni has
21 asked the question a number of times. Answer his
22 question again and let's see where we're at. But I
23 think the witness has answered the question; I think
24 I'm catching five or six times, now. But, if you can

1 ask the question again? Mr. Pilat, answer the
2 question.

3 Q. It's three letters; why?

4 MR. MCLAFFERTY: Okay. Objection to that.
5 Answer his question.

6 A. We were having a reduction in force.

7 Q. Yes, you keep saying that to me, and I keep asking
8 you, why would you be reducing your force from 12 to
9 11? Why?

10 MR. MCLAFFERTY: I'm going to jump in for a
11 second. You've asked the question a number of times,
12 Frank. Mr. Pilat has said he was directed by his
13 management. You keep asking the --

14 Q. Could it be, Mr. Pilat, that it was reduction in force
15 because you needed to cut costs, because you were
16 losing work? Is that a possibility?

17 MR. MCLAFFERTY: Objection to the form. You can
18 answer the question.

19 A. It's possible.

20 Q. And is it a possibility that you had a reduction in
21 force to get rid of someone?

22 MR. MCLAFFERTY: Objection to the form of the
23 question. You can answer.

24 A. We were having a reduction in force because we were

1 Robinson about his termination?

2 A. At what time?

3 Q. At any time.

4 A. When I informed Mr. Robinson -- not of his
5 termination. When I informed him that he was not
6 selected --

7 Q. Okay. You said that? You said those words, "you
8 haven't been selected"?

9 A. Yes, I did.

10 Q. Okay. And does it somehow mirror the words that are -
11 - paragraph -- Exhibit Number 14? Is that Verizon
12 speak?

13 MR. MCLAFFERTY: Objection to the form.

14 Q. "You have not been selected"?

15 A. There were 11 positions. Mr. Robinson was not
16 selected.

17 Q. Selected? Okay. Sounds like the Publisher's Clearing
18 House; you have not been selected or you have been
19 selected.

20 MR. MCLAFFERTY: Objection to the form.

21 Q. Mr. Pilat, did you say that to Mr. Robinson; "you have
22 not been selected"? Did you use those words?

23 A. To the best of my recollection, yes, I did.

24 Q. What else did you say to him?

1 A. I handed him his package.

2 Q. And then you said, bye?

3 A. I said, you have 30 days to, you know, to work. If
4 you wanted to use -- I believe I said, if you wanted
5 to use the facilities here at the office, that was
6 fine.

7 Q. Facilities meaning bathroom or -- what does that mean?

8 A. Facilities meaning a PC, phone.

9 Q. A --

10 A. PC.

11 Q. What does that mean?

12 A. What is a PC?

13 Q. Yes.

14 A. It's a personal computer.

15 Q. Okay. We speak the same language there.

16 MR. MCLAFFERTY: Objection.

17 Q. What did Mr. Robinson say to you?

18 A. He did not respond.

19 Q. Did he grunt?

20 A. No.

21 Q. Did you say anything about how you felt at that
22 moment?

23 A. No, I did not.

24 Q. How did you feel at that moment?

1 MR. MCLAFFERTY: Let me --

2 Q. What is your aversion to the use of the word
3 terminated?

4 MR. MCLAFFERTY: One second. Let me just make my
5 comment, then you can ask him that question, Frank.
6 You've been laughing at various times during the
7 course of Mr. Pilat's answers. You may not agree with
8 or like the terminology or the phraseology he's using,
9 but these are his answers. I'd appreciate it if you
10 wouldn't laugh at the witness.

11 MR. FRAGOMENI: I'm not laughing at him. I'm
12 laughing at the terminology that he's using. I think
13 it's robot and I think it's just programmed. However,
14 that's my editorializing.

15 Q. Mr. Pilat --

16 MR. MCLAFFERTY: And that indeed is what it is.

17 Q. -- what is your aversion to the use of the word
18 terminated?

19 MR. MCLAFFERTY: Objection.

20 Q. Why don't you use that word in the context of Mr.
21 Robinson's condition at this moment?

22 MR. MCLAFFERTY: Objection to the form of the
23 question. You can answer it.

24 A. I object to it because he still had an opportunity for

1 a position elsewhere within Verizon.

2 Q. Okay. So, let's see if we can break this down. The
3 first thing that happened is you asked him -- you told
4 him that he wasn't selected, and then you said, just a
5 little while ago, you were devastated because you knew
6 that that could possibly mean he would be terminated.
7 Am I using those words correctly?

8 A. I said that his employment would be terminated.

9 Q. Fine. All right. Now, when did Mr. Robinson's
10 employment terminate?

11 A. I believe the notification, or the off-payroll date,
12 was 30 days later.

13 Q. Okay. You were devastated at that moment because you
14 knew that Mr. Robinson had a potential to be
15 terminated?

16 A. No. It was a very, very strenuous process and I was -
17 - I was just -- it's -- I was just devastated by it.

18 Q. Why? Tell me again, why? Maybe I missed it. Why
19 were you devastated?

20 A. I was just emotionally impacted by it.

21 Q. Why?

22 A. The process itself.

23 Q. Were you unsure that you made the right decision?

24 A. No.

1 MR. MCLAFFERTY: Objection.

2 A. I'm not sure.

3 Q. Okay. Did you have any discussions with Mr. Robinson,
4 regarding the -- his consideration for continued
5 employment at Verizon, at any time during the RIF
6 process?

7 A. Did I have any conversations with Mr. Robinson
8 regarding his continued employment?

9 Q. Yes.

10 A. Okay. So, I think we had discussions with everyone
11 with regard to their continued employment.

12 Q. Okay. What are the basis of those discussions with
13 Mr. Robinson?

14 A. Maybe I'm not understanding the question correctly,
15 but --

16 Q. What's your understanding of the question?

17 A. Are you asking -- and again, you need to ask it again.
18 I'm sorry, I apologize.

19 Q. Did you ever sit down or go to Mr. Robinson? I know
20 you don't have to sit down -- did you go to him and
21 say anything about the process of the RIF?

22 A. We had this discussion with everyone.

23 Q. What was the discussion with Mr. Robinson?

24 A. Mr. Robinson was part of the group.

1 Q. So, you had a group meeting?

2 A. Yes.

3 Q. And you told them there was going to be a RIF and you
4 said, what?

5 A. That it was going to be based on the resumes and
6 personal knowledge.

7 Q. Okay. Did you ever have a conversation with Mr.
8 Robinson specifically, about the RIF? Other than
9 telling him he was the one to be separated?

10 A. Not that I recall, no.

11 Q. Okay. Did you have any role, sir, in compiling
12 documents in response to Plaintiff's requests for
13 documents, related in this case?

14 A. I may have. What documents are you referring to?

15 Q. Well, did someone ask you to go through your files and
16 compile documents in order to produce them for us in
17 this case?

18 A. I believe so. They asked me for --

19 MR. MCLAFFERTY: Hold on a second. I want to --

20 MR. FRAGOMENI: Yeah, I don't want to get
21 involved in that.

22 MR. MCLAFFERTY: I don't want the witness to
23 testify about attorney-client privileges.

24 MR. FRAGOMENI: No, and I'm not asking for that.

1 A. -- I'm not --

2 Q. I'm sorry. You had further --

3 A. I don't have a detailed knowledge of it.

4 Q. How were you trained, in any form, regarding age
5 discrimination?

6 A. Well, corporate wide, Verizon does have a EEO training
7 that people go through, with regard to sex
8 discrimination, age discrimination.

9 Q. How was it that you were trained in the age
10 discrimination area?

11 A. I don't recall exactly, but I'm sure at some point, I
12 had some type of corporate communication.

13 Q. Did you know, in the year 2001, that it was illegal to
14 terminate someone on the basis of their age?

15 A. Yes.

16 Q. And were you sensitive to the fact that Mr. Robinson
17 was over 40 when you terminated him?

18 MR. MCLAFFERTY: Objection to the form. You can
19 answer.

20 A. It didn't play a factor in the decision making
21 process.

22 Q. Okay. Are you telling me that how old Mr. Robinson
23 was, was never anywhere between systems and the
24 ethical complaint that's way back in your mind?

1 MR. MCLAFFERTY: Objection to the form.

2 A. Again, I did not take age as an issue.

3 Q. Okay. From the systems that's in the front of your
4 brain, and the back of your brain is the ethics
5 violation; you're telling me beyond the ethics
6 violation, outside of the brain is Mr. Robinson's age?

7 MR. MCLAFFERTY: Objection to the form.

8 A. And again, I have to say that the age was not an issue
9 for any of the candidates.

10 Q. Fine. But I'm asking you for Mr. Robinson. From the
11 front of your brain to the back of your brain; from
12 the front where the systems were and from the back
13 where Mr. Robinson's ethical violation was, nothing in
14 between in your brain matter indicated how old Mr.
15 Robinson was?

16 MR. MCLAFFERTY: Objection.

17 A. That's correct.

18 Q. Okay. Did you know when you interviewed Mr. Robinson,
19 that he was a non-traditional employee?

20 MR. MCLAFFERTY: Objection to the form.

21 A. What is a -- I don't know what a non-traditional
22 employee is.

23 Q. Well, someone from another department.

24 A. I knew that Mr. Robinson was from engineering, yes.

1 A. In -- maybe the word's not right. Resident; it should
2 be resident.

3 Q. Should be --

4 A. Resident.

5 Q. Spell that, please.

6 A. R-E-S-I-D-E-N-T.

7 Q. Okay. Resident. As a result of being a Verizon
8 employee, you suddenly gain that?

9 A. No. That's a result of being in a management
10 position.

11 Q. Okay. But if you're transferring from another
12 department, how should you be trained to assimilate
13 into that new department?

14 A. It depends upon the department you're going into.

15 Q. Well, now come on, Mr. Pilat. We're talking about
16 your department, we're talking about the year 2001,
17 we're talking about Mr. Robinson, and we're talking
18 about a team leader position.

19 MR. MCLAFFERTY: Objection.

20 Q. Is that clear enough for you?

21 MR. MCLAFFERTY: Objection. You can answer the
22 question, if you can.

23 A. That's clear enough.

24 Q. Okay. How would you train Mr. Robinson in that

1 position?

2 A. Mr. Robinson was given the opportunity, as I say, to
3 job shadow other associates, other managers --

4 Q. Which you said that he didn't, but now you're saying
5 he probably did.

6 MR. MCLAFFERTY: Objection.

7 Q. Correct?

8 MR. MCLAFFERTY: Objection.

9 A. I'm not sure if he did or he didn't.

10 Q. Okay. And two is what; attend classes?

11 A. That were made available, yes.

12 Q. Okay. And three; how else would you train him?

13 A. To learn the systems.

14 Q. How?

15 A. By either attending the classes --

16 Q. Okay.

17 A. -- that were available.

18 Q. Okay. Anything else?

19 A. Well, you've got to also keep in mind that Mr.
20 Robinson was not unfamiliar with wholesale.

21 Q. Okay.

22 A. Wholesale had a branch within engineering, as well.

23 Q. Okay. So, you're saying that he didn't need to be
24 trained at all, or he needed to be trained somewhat?

1 A. I'm not saying either. I'm saying that Mr. Robinson
2 applied for the position of a team lead.

3 Q. Okay.

4 A. When he applied --

5 Q. Did you set him up to fail, Mr. Pilat?

6 MR. MCLAFFERTY: Objection.

7 A. No, I did not.

8 Q. Did you help him in any way?

9 A. I gave him opportunities.

10 Q. Okay. What were those opportunities?

11 A. Training classes as they started up, new product
12 knowledge as it was made available.

13 Q. You handed him documents, as related to new
14 technologies?

15 A. There were methods that were constantly coming out and
16 available.

17 Q. What does that mean?

18 A. That means that methods usually produce -- when new
19 products were made available, there was a method that
20 was produced.

21 Q. And was that method in the form of a document?

22 A. Yes.

23 Q. And you handed it to Mr. Robinson?

24 A. It was e-mailed electronically to all the members of

1 Q. Okay. Performance pay?

2 A. It's merit, yes.

3 Q. What's the Verizon policy if someone's not performing
4 satisfactory (sic)?

5 MR. MCLAFFERTY: Objection to form.

6 A. Usually, I believe you were placed on a performance
7 improvement plan.

8 Q. Was Mr. Robinson ever done -- ever placed on the plan?

9 A. No, he was not.

10 Q. Okay. Help me out with COVAD. What is COVAD?

11 A. COVAD is a clec.

12 Q. What is --

13 A. It is a -- it basically is a competitor of Verizon.
14 They are also a customer of Verizon.

15 Q. Was COVAD one of the largest clecs?

16 A. Yes, COVAD was.

17 Q. And who was the contact at Verizon?

18 A. There were several contacts. Initially, it was
19 Tiffany Blake. From then, it transitioned to Charlie.

20 Q. Okay. When did it transition to Charlie Robinson?

21 A. When Charlie came on board to replace Tiffany.

22 Q. Charlie came on board when your department -- to
23 replace Tiffany?

24 A. Yes. Tiffany went to another position.

1 Q. And every team leader went to NMC meetings?

2 A. We had several meetings.

3 Q. That every team leader participated --

4 A. Which meetings are we talking about?

5 Q. Well, let's see now. You said you don't remember that
6 Mr. Robinson was going to sit with the GTE to explain
7 the NMC's role in the overall service process. Do you
8 remember that?

9 MR. MCCLAFFERTY: Objection.

10 A. I don't remember GTE. Is there more that you can tell
11 me about the meeting that he was --

12 Q. You don't remember GTE. at all? You have no knowledge
13 of GTE?

14 A. GTE is a former company that incorporated itself into
15 Verizon.

16 Q. Okay.

17 A. So, I'm not sure what you're referring to.

18 Q. Was there a special relationship that Mr. Robinson had
19 with GTE, that in some way related to the NMC?

20 A. Mr. Robinson was part of an interdepartmental team
21 where he did represent the NMC. It was a combination
22 of the NMC, maintenance, provisioning --

23 Q. Okay.

24 A. -- and I believe the meetings took place in Maryland.

1 Q. Okay. Did you encourage that representation or
2 discourage it?

3 A. They had asked for representation.

4 Q. And you appointed Mr. Robinson?

5 A. Yes, I did.

6 Q. Okay. And when did that occur?

7 A. I'm not really sure of the date.

8 Q. Between March and July of 2001, or before March of
9 2001?

10 A. I'm not really sure. It could've been before. I'm
11 not sure.

12 Q. Okay. You have no idea when?

13 A. No. I'm sorry, I don't.

14 Q. Did you, at any time, alter or revoke that
15 authorization?

16 A. For?

17 Q. His representing to the NMC meetings?

18 A. No, I did not.

19 Q. Okay. Does the strike at -- or did the strike at
20 Verizon have any role in your evaluation of Mr.
21 Robinson?

22 A. Only to the fact that it disrupted everybody during
23 that period of time.

24 Q. Did it have any role in your ability or inability to

1 properly evaluate Mr. Robinson?

2 A. And again, to the certain degree that during that
3 time, we were all doing duties outside the norm. So -
4 -

5 Q. Is that a yes or a no?

6 A. I don't know.

7 Q. Okay. You don't know. Did you ever tell Mr. Robinson
8 that his people liked him and cared for him and
9 respected him?

10 A. Not that I -- I can't recall. I can't say I didn't.
11 I'm sure I did.

12 Q. Okay. And did you ever retract that statement or say
13 something otherwise? That they didn't like you and
14 they think that you're a bad person?

15 A. I do have no knowledge of saying that.

16 Q. All right. Did you ever tell Mr. Robinson that you
17 thought he was brilliant?

18 A. Not that I recall.

19 Q. You could have, but you don't remember?

20 A. I don't remember saying that.

21 Q. Okay. Did you ever tell him that his people actually
22 loved him?

23 A. I do not remember that.

24 Q. Okay. Did his people love him?

1 A. He was "Good Time Charlie."

2 Q. What does that mean?

3 A. Charlie always had a joke.

4 Q. Okay. So, he was always happy?

5 MR. MCLAFFERTY: Objection.

6 Q. Not grumpy?

7 MR. MCLAFFERTY: Objection.

8 A. Charlie had a relationship with his people where he
9 would joke with them. However, when it came down to
10 actually performing the function --

11 Q. He got grumpy?

12 MR. MCLAFFERTY: Objection.

13 A. I'm not saying he got grumpy. He couldn't respond to
14 the questions.

15 Q. He got negative?

16 A. Couldn't respond to the questions.

17 Q. All right. So, he came in happy, telling jokes. Then
18 all of a sudden, he got negative?

19 MR. MCLAFFERTY: Objection.

20 A. That's not what I'm saying.

21 Q. What are you saying?

22 A. What I'm saying is that Charlie was everyone's buddy.
23 However, when it came time for a business question or
24 a performance issue, Charlie could not respond.